HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 7877 of 2003

Dated 28th August, 2007

Between

P.Samatha

…Petitioner

and

The Convener,I/C.Ed-CET-2002, Delta Studies Institute,
Andhra University, Visakhapatnam and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 7877 of 2003

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to the respondents to consider her case for admission into B.Ed course under Physically Handicapped quota for the academic year 2003-2004.

It is stated in the affidavit filed in support of the Writ Petition that as per the certificate issued by the District Medical Officer, the disability of the petitioner is more than 40%. It is the grievance of the petitioner that in spite of the same, the respondents are not considering her case for admission to B.Ed course under PH quota.

But, however, in the counter affidavit filed on behalf of the respondents, it is stated that all the persons, who claimed reservation

under Physically Handicapped quota, were referred to Government Hospital to assess the percentage of disability. It is further stated that the committee constituted to assess the disability certified that the disability of the petitioner is 30% and as such, her case could not be considered for admission to B.Ed course.

The percentage of disability assessed by the District Medical Officer is not binding on the respondents. However, a separate committee was constituted in the Government Hospital to assess the disability and there is no reason to disbelieve the certificate issued by the said committee assessing the disability of the petitioner at 30%. As much as the disability of the petitioner is 30%, and, as per Section 2(t) of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the candidates with less than 40% of the disability are not entitle to claim reservation under PH quota, in that view of the matter, the petitioner is not entitle to seek admission to B.Ed course under Physically Handicapped quota.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 28-8-2007.
Msnr.